IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 1137 of 2004

(*AGAINST THE ORDER IN EP. 227/2003 IN LAR.6/1990 of SUB COURT, MUVATTUPUZHA)*

REVN. PETITIONER/DECREE HOLDER:

THOMMAN KORA, AGED 60,
NELLICKAPPILLIL HOUSE,
MEMMUKHOM KARA, MANEED VILLAGE.

BY ADV. SMT.SANTHAMMA ISSAC
ADV. SRI.N.C.THOMAS
ADV. SRI.CHERIAN THOMAS

RESPONDENT/JUDGMENT DEBTOR:

STATE OF KERALA, REPRESENTED BY
DISTRICT COLLECTOR, KAKKANADU,
ERNAKULAM.

BY GOVERNMENT PLEADER SHRI K.G. BHASKARAN.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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C.R.P. No. 1137 OF 2004

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Dated this the 20th August, 2007

O R D E R

The decree holder challenges the order passed by the executing court in E.P.No.227 of 2003 in L.A.R.No. 6 of 1990 of Sub Court, Muvattupuzha.

2. The decree holder claimed Rs. 70,828.29/-. The respondent-judgment debtor filed objections and contended that no amount is due to the decree holder . Both the parties filed calculation statements. The court below held that the calculation statement filed by the decree holder is not in accordance with law in view of the Supreme Court decision in **Prem Nath Kapur vs. National Fertilizers Corpn. of India Ltd.** ([**1996] 2 S.C.C. 71.** The decree holder was directed to file a fresh calculation statement.

3. Learned counsel for the petitioner submits that in view of the decision of the Supreme Court in **Sundar vs. Union of India (AIR 2001 SC 3516**), the decree holder is entitled to get interest on solatium as well. Learned counsel also relied on the decision in **Gurpreet Singh vs. Union of India ([2006] 8 S.C.C 457).**

4. The court below has directed the decree holder to file a fresh calculation statement. Based on the binding decision of the Supreme Court in

Sundar vs. Union of India (**AIR 2001 SC 3516)** and **Gurpreet Singh vs. Union of India ([2006] 8 S.C.C 457)**, the revision petitioner would be entitled to include all permissible claims in the calculation statement. Both the parties will file calculation statements and the executing court shall consider the same and dispose of the execution petition in accordance with law.

The Civil Revision Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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